REMARKS

This paper responds to the Office Action dated June 8, 2006. A diligent effort has been made to respond to the objections and rejections set forth in the office action, and reconsideration is respectfully requested.

1. Status of Claims

Claims 1-28 are now cancelled. Claim 29 is currently amended. Claims 30-38 remain in the application.

2. Response to Rejections

Claims 29-38 were rejected under 35 USC 103 as being obvious over Agrawal (US 2002/0083127) in view of Dorencosch (US 2002/0173308). These rejections are traversed. In addition, claim 29 has now been amended to more specifically distinguish over the "pinging" technique of Agrawal as noted at page 9 of the office action, and thus the claims are believed to be in condition for allowance.

Claim 29, as amended, recites a method of instant messaging between a plurality of messaging clients configured to transmit instant messages and presence data between each other, the presence data including a first known state in which a messaging client is receptive to communicating with other messaging clients. The steps of the claim include: (a) receiving communications including presence data from each of the messaging clients at a presence server, the presence server determining the present state of the messaging clients using the presence data and storing information in a state table entry for each of the messaging clients indicating the present state of the messaging client; (b) for each of the messaging clients that is in the first

known state, the presence server periodically transmitting to each of the messaging clients present state data regarding the other messaging clients stored in the state table entries; and (c) if the presence server does not receive any communications from a messaging client during a predetermined period of time, then modifying the state table entry for the non-communicative messaging client to be an unknown state indicating that the presence server cannot determine the present state of the messaging client, and thereafter inhibiting further periodic transmissions of the present state data regarding the other messaging clients until the messaging client transmits presence data to the presence server indicating that it has returned to the first known state.

Agrawal does not disclose the steps of claim 29. More specifically, Agrawal does not teach that the presence server periodically transmits presence state data to the messaging devices in the first known state regarding the other messaging devices, nor does Agrawal teach inhibiting the transmission of presence state data for such messaging devices after a predetermined time period during which no communications are received from the messaging devices. Instead, Agrawal teaches that an application, or an application server, interacts with a presence server that acts as a repository of presence information for devices communicating via the application, and the application periodically contacts the devices to confirm and update their presence status at the server. This action of continuously contacting the devices to determine their presence status is referred to herein as "pinging" the devices. This action can be extremely wasteful of network resources, particularly in bandwidth constrained networks such as wireless networks. The invention described in claim 29 of this application avoids such pinging and thus provides a distinct advantage over Agrawal.

For example, paragraph [0004] of Agrawal teaches that the presence sever receives presence data for a first client from an application server. The application server is then

configured to communicate with another client based on the presence received from the presence server. Paragraph [0005] of Agrawal teaches that an application receives presence data from a device, such as when a user initially employs a device to access the application, and afterwards, if there is no activity on the application, the application is configured to transmit notifications to the device. This is the "pinging" operation referred to above. After pinging the device, if the device responds then the application knows it is still active, but if the device does not respond to the ping, then the application lists the presence of the device as inactive at the presence server. Paragraph [0024] of Agrawal indicates that the presence server is in communication with the application server, and may be configured to receive presence data in several ways. Paragraph [0025] of Agrawal provides additional details on how the presence data is provided to the presence server. Paragraph [0026] of Agrawal teaches that when a particular mobile station logs into the application, it's presence state is changed at the presence server, and this change in state may then be propagated to a "buddy" associated with the particular mobile station. Paragraph [0051] of Agrawal teaches that user presence data obtained from the presence server can be used by a device or application to determine whether to send a message or data to another user. According to paragraph [0051], if there is a lack of user presence, then the user or application may determine not to send the message or data. And paragraph [0052] of Agrawal describes the aforementioned "pinging" operation in which an "alert" can be sent to a user indicated as present but who has not accessed the application for a predetermined period of time.

None of these paragraphs in Agrawal disclose the steps of claim 29 in which the presence server periodically transmits presence state data to the messaging devices in the first known state for the other messaging clients, or the step of inhibiting the transmission of presence state data for such messaging devices after a predetermined time period during which no communications

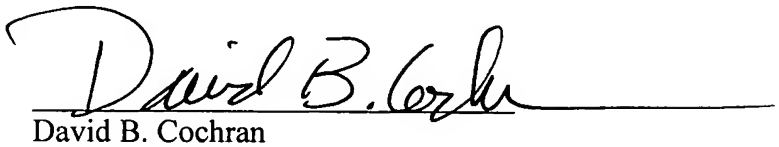
are received from the messaging devices. In the invention of claim 29, the presence server is configured to automatically communicate presence data to each of the mobile devices in the first known state. Subsequently, if the presence server does not receive any communications from a particular messaging client that was previously in the first known state during a predetermined time period, then the presence server puts that device into the "unknown" or undeterminable state and thereafter ceases the periodic transmissions of presence data. Thus, rather than "pinging" each device, as in Agrawal, the invention described in claim 29 puts the mobile devices into a state, the "unknown" state, that disables presence data updates, but still permits messaging clients to communicate with one another. This "passive monitor" function of the presence server is more efficient than the constant "pinging" required in Agrawal, particularly for bandwidth constrained networks.

In addition, Agrawal clearly does not disclose the concept of the "unknown" state, and thus does not disclose what to do in the event that the user presence state is not determinable, such as, for example, when communications from a device have ceased for a predetermined period of time. Rather, Agrawal only discloses a variety of known states. The Examiner referred to paragraph [0051] of Agrawal as teaching this "unknown" state, but this is not what is described in this paragraph. Paragraph [0051] teaches that the user presence data can be obtained from an application presence server, and can be used to determine whether to send data to a particular destination. If user presence data is lacking, then delivery should be cancelled. This is not describing an "unknown" state, however, which is entered after a predetermined period of time during which communications are not received from a messaging device, but is simply describing the situation where the presence server has no presence data regarding a particular device. Thus, the concept of the "unknown" state is not present in Agrawal.

For all of the reasons noted herein, new claim 29 is distinguishable from Agrawal. The remaining claims depend from claim 29 and are likewise distinguishable from this reference.

Respectfully submitted,

JONES DAY



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